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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

LAURA L. PURVIANCE

Defendant and Appellant.

B266894

(Los Angeles County  
Super. Ct. No. LA073342)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Gregory A. Dohi, Judge. Affirmed.

Laura Purviance, in pro. per.; and Joseph T. Tavano, under  
appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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On February 14, 2014, Laura Purviance called her mother, Caroline Purviance, and asked for a ride to her boyfriend's apartment. She told her mother she wanted to retrieve a schoolbook from the apartment, but she actually intended to steal one of her boyfriend's handguns, having long planned to kill her mother. Purviance obtained a .45 caliber handgun from under the boyfriend's bed, wrapped it in a shirt and concealed it in a messenger bag, then returned to her mother's car. They then drove to Purviance's residence, where Purviance lured her mother inside by offering her lemon squares. Purviance took her mother to her room, told her to sit on the bed facing the wall and then entered the bathroom with the gun. She ran water in the sink to conceal the sound of her chambering a round in the gun, briefly contemplated bludgeoning her mother to death rather than shooting her, then exited the bathroom, approached her mother from behind, and fired a single bullet into the base of her head.

Purviance fled to Oregon in her mother's car, but from a rest stop telephoned Los Angeles Police Detective Jeffrey Briscoe, who was investigating the shooting, having been given Briscoe's phone number by her sister. Purviance confessed to shooting her mother in a conversation that lasted over an hour. She was arrested and detained by local police, who informed her of her *Miranda*<sup>1</sup> rights, and Los Angeles police detectives traveled to Oregon to interview her. After an hour long interview covering inconsequential matters, the police again informed Purviance of her *Miranda* rights before discussing the shooting. After acknowledging that she was familiar with and understood her rights, Purviance again admitted shooting her mother.

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<sup>1</sup> *Miranda v. Arizona* (1966) 384 U.S. 436.

Purviance was charged with murder with malice aforethought, and it was alleged she personally and intentionally discharged a firearm, which caused great bodily injury and death to Caroline Purviance. (Pen. Code, §§ 187, subd. (a), 12022.53, subds. (b)-(d).) The information additionally alleged Purviance personally and intentionally killed the victim by means of lying in wait. (Pen. Code, § 190.2, subd. (a)(15).)

Purviance initially entered a plea of not guilty, but later withdrew the plea and changed it to no contest. Still later, Purviance moved to withdraw her no contest plea, arguing it had been made on the advice of fellow inmates and when she was tired. Finding that Purviance was coherent when she entered the no contest plea, which was made freely and voluntarily, and was adequately represented by counsel and had several days to consider it, the court denied the motion.

The court sentenced Purviance to 25 years to life, plus an additional, consecutive 25 years to life, totaling 50 years to life, with 868 days of custody credit. (Pen. Code, § 12022.53, subd. (d).) The court imposed a \$300 restitution fine and, after a hearing that Purviance elected not to attend, ordered that she pay restitution in the amount of \$5,711.26 to the Victim Compensation Board and \$4,129.63, plus 10 percent annual interest, to Katy Purviance, the victim's other daughter. (Pen. Code, § 1202.4, subds. (b) & (f).)

Purviance requested and received a certificate of probable cause on the ground that the trial court improperly denied her motion to withdraw her no contest plea. Then she timely appealed. We appointed counsel to represent her on appeal. After examining the record, appointed counsel filed an opening brief certifying he had found no issue for appellate review and asking this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436, 441-442.) On July 22, 2016, we sent letters to Purviance and

appointed counsel, directing counsel to forward the appellate record to Purviance and advising her that within 30 days she could personally submit any contentions or issues that she wished us to consider. Purviance filed a supplemental brief contending the court unfairly accepted a plea she made out of ignorance, her *Miranda* rights were violated, and unfair interest fees were applied to her restitution penalties.

### DISCUSSION

Purviance argues the trial court erred in denying her motion to change her plea because it “was made out of ignorance.” The argument is without merit because the undisputed record indicates Purviance had adequate representation and time to consider her plea, which she made freely and voluntarily. “A plea may not be withdrawn simply because the defendant has changed [her] mind.” (*People v. Nance* (1991) 1 Cal.App.4th 1453, 1456.)

Purviance argues her *Miranda* rights were violated. We disagree.

A defendant’s confession during a custodial interrogation cannot be used at trial unless she has been apprised of and voluntarily, knowingly, and intelligently waives her right to remain silent. (*Miranda v. Arizona, supra*, 384 U.S. at p. 467; *Colorado v. Connelly* (1986) 479 U.S. 157, 164.) Here, Purviance confessed to her mother’s murder before she was taken into custody, and she was informed of her *Miranda* rights twice prior to confessing again. Purviance complains the police used coercive tactics and focused too much on her sex life during the interview and not enough on her suicidal intent. But nothing in the record suggests her confession was coerced.

Purviance complains she will be unable to pay even the interest charged on her restitution debt to her sister. That fact-dependent argument cannot be entertained for the first time on appeal. The trial court’s

restitution order was authorized by Penal Code section 1202.4, subdivision (f)(3)(G). In determining the amount of restitution, a defendant has the burden of showing inability to pay. (See *People v. Lewis* (2009) 46 Cal.4th 1255, 1321.) Here the court ordered the restitution only after a hearing that Purviance declined to attend but at which she was represented by counsel. She did not contend at the hearing that she was unable to pay restitution, and nothing in the record establishes her inability to pay. We therefore have no basis upon which to review the restitution order.

We have independently examined the entire record and are satisfied that Purviance's attorney has fully complied with his responsibilities. (*People v. Wende, supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 110.) No plausible basis for appeal appears in the record, and accordingly, we affirm the judgment and post-judgment orders.

#### **DISPOSITION**

The judgment and orders are affirmed.

NOT TO BE PUBLISHED.

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.